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Election  
91/03

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Thomas William WIELKOPOLSKI  
Serial No. : 10/051,210  
Filed : January 16, 2002  
For : DRIVE SYSTEM  
Examiner : Daniel G. DePumpo  
Group Art Unit : 3611

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GROUP 3600

ELECTION OF SPECIES AND  
RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22312-1450

Dear Sir:

Pursuant to the Examiner's Restriction Requirement dated June 26, 2003 and the provisions of 35 U.S.C. § 121, Applicant hereby elects, with traverse, the drive system of Figure 1, namely, claims 1-8, 18 and 19 in the captioned Application. A Petition For A One Month Extension of Time Under 37 C.F.R. 1.136(a) is filed herewith. Grounds for Applicant's traversal are set forth below.

First, Applicant submits that claims 1-8, 18 and 19 are directed to a drive system, according to Figure 1, having two lever systems interconnected for opposed reciprocating movement. The following elements are shown generally in Figure 1: first lever (1), tie rod (2), first pivot (4), second pivot (5), second lever (6), second end (7), fourth pivot (8), pedal (9), hydraulic drive cylinder (10), hydraulic drive cylinder pivot (11), hydraulic adjuster (12), and hydraulic adjuster pivot (13).

As for Figure 4, we submit that it relates to the drive system of claims 8-17, 20 and 21.

Specifically, Figure 4 generally illustrates the following elements: manually-operable member (30), shafts (32), drive shaft (36), transfer gears (38), sub-shaft (40), cylinder (50) and drive pump (52).

Based on the foregoing, the elements of claim 8, we respectfully submit, are common to both Figure 1 and Figure 4. Notably, claim 8 recites a manually-operable member (9, 30) mounted for substantially rectilinear reciprocating movement, the manually-operable member (9, 30) being attached to a lever or shaft (6, 32) mounted for axial reciprocating movement. That lever/shaft (6) of Figure 1 also rotates about pivot (7), we submit, is not dispositive of the issue.

Claim 8 is, therefore, considered generic to both species of the invention, namely, Figure 1 and Figure 4.

As an aside, Applicant states that while claims 20 and 21 are shown in the International Application, as published, and have been made subject to the Restriction Requirement, these claims, it is understood, were deleted from the International case. As such, they are not believed to be part of the present National Stage Application. We respectfully submit that claims 1-19 only are in this case.

Accordingly, re-entry of the non-elected, i.e., claims 9-17, is respectfully requested.

Respectfully submitted,

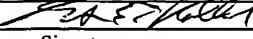
  
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Dated: August 26, 2003

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 26, 2003

Name Grant E. Pollack



Signature